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RUEHBY/AMEMBASSY CANBERRA PRIORITY 7228
RUEHUL/AMEMBASSY SEOUL PRIORITY 3199
RUEHKO/AMEMBASSY TOKYO PRIORITY 9352
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 1763
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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [CASC](#) [TH](#)
SUBJECT: SWISS OFFER LESE MAJESTE SURVIVAL GUIDE

REF: BANGKOK 2074 (THAILAND VS. YOUTUBE)

SUMMARY

¶1. (SBU) The recent arrest and subsequent pardon of a Swiss national accused of offending Thailand's revered King Bhumipol Adulyadej -- a serious crime in a country where the monarch wields great moral authority -- provided a rare window into the reaction of the palace to incidents of lese majeste. Swiss officials in Thailand believe their restrained response to the arrest, in spite of their public's demand for strong action, contributed to the sooner-than-expected release of their citizen. The Swiss experience with Thailand's lese majeste laws informs a possible USG response should an AmCit be charged with lese majeste in the future. The recent decision to drop similar charges against former Prime Minister Thaksin Shinawatra indicates that the palace is sensitive to the possible abuse of lese majeste laws to achieve political ends. End Summary.

FRIENDS DON'T LET FRIENDS SPRAY-PAINT DRUNK

¶2. (U) On March 30, 57-year old Swiss national Oliver Jufer was sentenced to ten years imprisonment after being convicted on lese majeste charges. Surveillance cameras caught him spraying black paint over five outdoor posters of King Bhumipol Adulyadej on December 5, 2006 (the King's birthday) in the northern city of Chiang Mai. Jufer admitted to being drunk at the time and was reportedly angry that new laws limiting the times when alcohol can be sold prevented him from buying beer. The King pardoned Jufer on April 12, and he was subsequently expelled from the country.

¶3. (U) In Thailand the crime of lese majeste -- committing an offense against the dignity of the monarchy -- carries a possible sentence of 15-years imprisonment per offense. Jufer had faced a sentence of 75 years on 5 counts of lese majeste, but the judge reduced his sentence to 10 years as Jufer had confessed to the crime. Sentences for lese majeste are typically hortatory in nature and offenders are normally pardoned by the king. Nevertheless, as evidenced by the recent ban of the popular web site YouTube (see reftel), the overwhelming popularity of the Thai sovereign compels the authorities to act should someone publicly slight the King or his family.

RAPID ROYAL PARDON SHOCKED THE SWISS

14. (SBU) According to Swiss Embassy Minister Jacques Lauer, who helped coordinate the Swiss response to Jufer's arrest, the Swiss government was surprised by how rapidly the King pardoned Jufer -- a mere 13 days following his conviction and before Jufer had even filed an appeal or requested a royal pardon. Lauer indicated they had expected the King would follow tradition and wait until his 80th birthday, eight months later, to pardon Jufer and others accused of lese majeste. Lauer noted that Thai prison officials provided Swiss consular officials full access to Jufer.

IN CASE OF EMERGENCY, KEEP QUIET

15. (SBU) Minister Lauer credited Jufer's speedy pardon to a Swiss decision to not antagonize Thai officials by making public comments, an action that may have provoked a backlash due to the public adoration of the King. Lauer claimed that intense international media attention and the public clamor in Switzerland for Jufer's release made it difficult to balance the need to avoid offending their Thai interlocutors while appearing proactive in the eyes of the Swiss public. While historically relatively few foreigners have been accused of lese majeste, Lauer cautioned that should an AmCit be detained for lese majeste charges, any public criticism or appeals by USG officials would be tantamount to "throwing oil on the fire".

LESE MAJESTE AS A POLITICAL TOOL

BANGKOK 00003154 002 OF 002

16. (SBU) An accusation of lese majeste has proven to be a formidable weapon in the Thai political arsenal. The leaders of Thailand's September 2006 coup partially justified their putsch by claiming deposed Prime Minister Thaksin Shinawatra had defamed the monarchy. The public prosecutor dropped lese majeste charges against Thaksin only one day prior to the King's pardon of Jufer. Whether the two incidents are related remains unclear, but it is possible the palace does not want charges of lese majeste to become either a political tool or an irritant to bilateral relations with other nations. The King's preexisting public statement that he will pardon anyone convicted of lese majeste and the sooner-than-expected release of Jufer seem to indicate that the palace is uncomfortable with the strict application of lese majeste laws.

COMMENT

17. (SBU) While the palace enjoys great moral authority in Thailand and the King is the subject of near universal adulation, palace officials seem reluctant to let lese majeste be used as a tool to punish those who are accused of defaming the monarch. The palace appears quite sensitive to the possibility that lese majeste could be abused by non-palace actors to achieve their own ends. If an AmCit were to be charged with lese majeste, it is likely that a low key approach outside the public eye would stand the best chance of success in getting him or her out of custody and out of Thailand.

BOYCE